

November 29, 2023

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007-1312

Re: *Jay Alix v. McKinsey & Co., Inc., et al.*, No. 18-CV-4141 (JMF)
Letter Motion Seeking Adjournment

Dear Judge Furman:

The undersigned parties in the above-referenced action jointly submit this letter to respectfully request that the Court adjourn by 30 days defendants' December 6, 2023 deadline to answer the Second Amended Complaint (the "SAC"). The undersigned parties, other than Seth Goldstrom, also respectfully request that the Court adjourn by 30 days the initial pre-trial conference currently set for December 5, 2023 (and the joint preconference letter and proposed Case Management Order submission due on November 30, 2023 in connection with the same). Counterclaim Defendant AlixPartners LLP also consents to the requested adjournment of the initial pretrial conference currently set for December 5, 2023.

The initial pre-trial conference is the only scheduled appearance before the Court. This is the parties' second request to adjourn the initial pre-trial conference and the submissions due in connection with the same and the fourth request with respect to extending the time to answer the SAC. On October 4, 2023, the Court granted the parties' request to adjourn the initial pre-trial conference by 30 days. Dkt. 246. On August 25, 2023, the Court granted all defendants' request to extend their time to answer the SAC by 31 days. Dkt. 242. On October 2, 2023, defendant Seth Goldstrom answered the SAC and filed counterclaims against Counterclaim Defendant Jay Alix and Counterclaim Defendant AlixPartners, LLP ("AlixPartners"). Dkt. 244. On October 4, 2023, the Court granted the remaining defendants' request to extend their time to answer the SAC by 30 days. Dkt. 246. On November 14, 2023, the Court granted the remaining defendants' request to extend their time to answer the SAC by 21 days. Dkt. 253. On November 14, 2023, Jay Alix filed a motion to dismiss Mr. Goldstrom's counterclaim. Dkt. 250. On November 21, 2023, the Court granted a joint request by Mr. Goldstrom and Counterclaim Defendants Jay Alix and AlixPartners to set a consolidated briefing schedule on the Counterclaim Defendants' motions to dismiss Mr. Goldstrom's counterclaims. Dkt. 256.

This additional requested adjournment of the initial pre-trial conference and the submissions due in connection with the same and extension of defendants' deadline to answer the SAC will not affect any other case deadlines.

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Mr. Goldstrom does not oppose the request to adjourn defendants' deadline to answer the SAC. Mr. Goldstrom does oppose the request to adjourn the initial pre-trial conference and the pre-conference submissions. When Mr. Goldstrom agreed to the briefing schedule on the motions to dismiss his counterclaims, Dkt. 256, he was unaware that the parties intended to seek a further extension. He expected that the December 5, 2023 case conference would take place as ordered, and that the Court would at that time set a full discovery and motion schedule, including for motion practice under Fed. R. Civ. P. 17. Mr. Goldstrom believes that the parties should proceed with the pre-trial conference as currently scheduled.

Application GRANTED in part and DENIED in part. Defendants' deadline to answer the Second Amended Complaint is hereby extended to **January 5, 2024**. However, the pretrial conference scheduled for December 5, 2023, at 3:00 p.m. will proceed as scheduled. The Clerk of Court is directed to terminate ECF No. 257.

Respectfully submitted,

/s/ Sean F. O'Shea

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SO ORDERED.



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